



Entered on Docket
July 29, 2011

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

TIFFANY & BOSCO, P.A.
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HSBC Bank USA, National Association, as Trustee for Wells Fargo Home Equity Trust 2005-3
10-74412

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Joseph Lomonaco and Edith Lomonaco

Debtors.

BK-S-10-30928-mkn

MS Motion No. 59

Date: July 6, 2011

Time: 1:30 pm

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing
in the above-entitled Court, all appearances as noted on court record, and based upon all the
papers and pleadings on file herein and good cause appearing therefore,

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtors will cure the
2 post-petition arrearages currently due as follows:

3 4 Monthly Payments at \$1,884.23	\$7,536.92
4 (April 1, 2011 - July 1, 2011)	
4 4 Late Charges at \$86.21	\$344.84
5 (April 1, 2011 - July 1, 2011)	
5 Motion for Relief Filing Fee	\$150.00
6 Attorneys Fees	\$750.00
6 Total	\$8,781.76

7
8 The total arrearage shall be paid in six monthly installments. Payments one
9 through five (1-5) in the amount of \$1,463.63 shall be in addition to the regular monthly payment
10 and shall be due on or before the 20th day of the month commencing with the August 20, 2011
11 payment and continuing throughout and concluding on or before ~~Dec 20, 2011~~ The sixth final
12 payment in the amount of \$1,463.61 shall be paid on or before January 20, 2012.

13 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtors shall resume
14 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,
15 beginning with the August 1, 2011 payment, on Secured Creditor's Trust obligation, encumbering
16 the subject Property, generally described as 4028 Gray Aster Drive, Las Vegas, NV 89122, and
17 legally described as follows:

18 Lot 144, Block 4, DESERT INN MASTER PLAN LOT "E", as shown by map thereof on
19 file in Book 118 of Plats, Page 33, in the Office of the County Recorder of Clark County,
Nevada

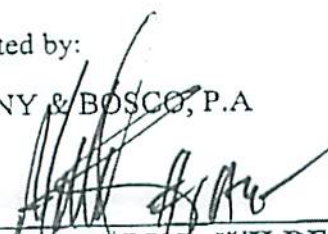
20 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make
21 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
22 Creditor's obligation, allowing the normal grace period, then Secured Creditor may file and serve
23 upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition.
24 For each such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of
25 \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors
26

1 have failed to cure the delinquency, then Secured Creditor may submit to this Court an Order
2 vacating the automatic stay as to Secured Creditor, and Secured Creditor may thereafter proceed
3 with enforcing its Security interest in the subject Property, pursuant to applicable State Law, and
4 take any action necessary to obtain complete possession thereof.

5
6 Submitted by:

7 TIFFANY & BOSCO, P.A.

8
9 By


10 GREGORY L. WILDE, ESQ.
11 Attorneys for Secured Creditor
212 South Jones Boulevard
Las Vegas, Nevada 89107

12 APPROVED AS TO FORM & CONTENT:

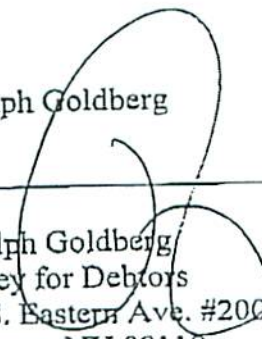
13 Kathleen A Leavitt

14 By


15 Kathleen A Leavitt
16 Chapter 13 Trustee
201 Las Vegas Blvd., So. #200
17 Las Vegas, NV 89101

Randolph Goldberg

By


18 Randolph Goldberg
19 Attorney for Debtors
4000 S. Eastern Ave. #200
20 Las Vegas, NV 89119

21 Nevada Bar No. 5970
22
23
24
25
26

1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately
3 reflects the court's ruling and that (check one):

4 ☐ The court has waived the requirements set forth in LR 9021(b)(1).

5 ☐ No party appeared at the hearing or filed an objection to the motion.

6 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and
7 any trustee appointed in this case any unrepresented parties who appeared at the hearing,
8 and each has approved or disapproved the order, or failed to respond, as indicated below.

9 Debtor's counsel:

10 ☒ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☐ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☒ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☐ failed to respond to the document

17
18
19 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the
20 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
21 order.

22 I declare under penalty and perjury that the foregoing is true and correct.

23 Submitted by:

24 /s/ Gregory L. Wilde, Esq.

25 Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor